

R E M A R K S

The following remarks are submitted in response to the Office Action mailed March 4, 2004. Claims 1-82 were previously cancelled, and claim 91 has been cancelled by this Amendment. Therefore, claims 83-90, and 92-123 remain pending and under consideration. Claims 83, 89 and 98 have been amended, and new claim 123 has been added. No new matter has been added.

AMENDMENTS TO THE SPECIFICATION

Clarifying amendments have been made to the specification primarily to correct typographical errors and reference numbering. No new matter has been added.

DRAWING AMENDMENT

Applicant noticed that element number 228 is missing from Figure 23B. Applicants respectfully submit an amended Figure 23B properly identifying missing element number 228.

INFORMATION DISCLOSURE STATEMENT

In response to the Examiners comments regarding the Information Disclosure Statement, Applicant's filed a Communication on March 30, 2004 including a copy of the Form PTO-1449 filed November 7, 2003 including copies of the 102 non-U.S. patent/publication references. The Information disclosure statement should now fully comply with 37 C.F.R. 1.98.

ALLOWABLE SUBJECT MATTER

Applicants respectfully thank the Examiner for the indication that claims 95-122 are allowed. Applicants also thank the Examiner for the indication that claims 89 and 91 would also be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

Claim 89 has been amended to be so rewritten and is, therefore, in condition for allowance. Additionally, the recitations of claim 91 have been incorporated into independent claim 83, thereby making claim 83 allowable. Claim 91 has been cancelled.

THE 35 U.S.C. § 102 CLAIM REJECTIONS

In the Office Action, the Examiner rejected claims 83 and 85 under 35 U.S.C. §102(b) as being anticipated by Melzer (U.S. Patent No. 5,645,586). As indicated above, claim 91 was indicated as allowable, and the language of claim 91 has been added to independent claim 83.

As such, independent claim 83, and the claims that depend there from, including dependent claim 85, are now in condition for allowance.

The Examiner also rejected claims 83, 84, 86-88, 90 and 92-94 under 35 U.S.C. §102(b) as being anticipated by Hauser (U.S. Patent No. 5,713,926). Again, claim 91 was indicated as allowable, and the language of claim 91 has been added to independent claim 83. As such, independent claim 83, and dependent claims 84, 86-88, 90 and 92-94, are now in condition for allowance.

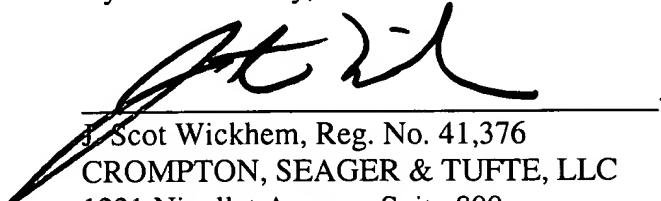
With regard to new independent claim 123, none of the cited references teach or suggest a housing having proximal and distal elongated housing segments that are hingedly coupled to each other at their respective ends, and an electrode formed on the housing and connected to the electrical circuit. As such, Applicants respectfully submit that claim 123 is also in condition for allowance.

Reconsideration, reexamination and an indication of allowance of the pending claims is respectfully requested. If a phone conference is believed necessary to resolve any outstanding issues with respect to the above discussion, the Examiner is respectfully requested to contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

Gust H. Bardy et al.

By their Attorney,


J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

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Attachment: 11 Sheets of Replacement Drawings